

### Remarks

In view of the foregoing amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 1 and 11 have been amended, and claims 1-5, 7, 8, 10, and 11 remain pending. No excess claim fees are due with this submission and no new matter is introduced by this amendment.

The rejection of claims 1-5, 7, 8, 10, and 11 under 35 U.S.C. § 103(a) for obviousness over U.S. Application Publ. No. US2006/0092052 to Baldwin *et al.* ("Baldwin") in view of U.S. Patent No. 5,844,620 to Coleman *et al.* ("Coleman") is respectfully traversed.

With respect to claims 1 and 11, applicant submits that the proposed combination of the teachings of Baldwin and Coleman do not disclose program records and schedule records being coded and/or transmitted in an interleaved manner such that two successive program records are separated by one or more schedule records associated with one of the two successive program records; wherein each program record and its associated schedule records are transmitted prior to the next program record being transmitted.

The invention as now set out in the claims relates specifically to the manner in which the data for the EPG is transmitted as well as the reception of the data at the receiving location. The applicant has realised that there can be a significant problem in the generation of an EPG at the receiving location if the data to be used to generate the EPG is transmitted in "blocks". In particular, if for example, a block of data relating to the program records is transmitted for inclusion into the EPG, and a subsequent block of schedule data for those programs fails to be transmitted successfully, or the memory at the receiving location is full and the data cannot be stored for subsequent processing, the cells of the EPG cannot be populated for all of the program records in the received block of program records as no data for the times at which those programs are to be shown has been received.

This leads to an unusable EPG at the receiving location which is unsatisfactory to the service subscriber. The disclosure of Coleman goes part way to addressing this problem by suggesting, in column 16 lines 59-63 (and referred to by the examiner), that all of the schedule title data is sent a first time followed by half of the description data required for that schedule title data and then all of the schedule title data is sent again with the other half of the description data for that schedule title data. In this way Coleman hopes to ensure that at least half of the

description data and therefore at least half of the cells in the EPG for the schedule title data can be populated. However, this suggested solution is a rather clumsy way in which to attempt to solve the problem as it requires a quantity of data (the schedule title data) to be sent twice, which can be a problem in transmission systems of the type addressed in the current invention where data capacity is limited.

Coleman does not suggest that the data for a program record for a specific program will always be followed by the schedule records for that program and that the program record for the next program will not be transmitted until all of the associated schedule records for the previous program have been transmitted, as is set out in the current claims. The system of Coleman cannot therefore guarantee that all of the schedule data for a particular program record will be received before the next program record and therefore cannot guarantee that the cell in the EPG for a received program record will be populated with data from the associated schedule record for that program record before the next program record is received. The best that Coleman can achieve is to hope that cells in the EPG for at least half of the received program records will be populated with received schedule data.

With respect to Baldwin, the examiner refers to sections in that document which relate to the decompression of received data at the receiving location so as to allow the EPG to be generated. However, there appears to be no disclosure of the specific manner in which the received data is compressed prior to and during transmission. For example, the program record 620 referred to by the examiner with regard to Figure 6 does, as one would expect, have a number of fields associated with it. However, hypothetically, these associated fields could be obtained from data which has been transmitted in compressed blocks of the same data, could be transmitted in a compressed form as taught by Coleman, or could have been transmitted in the same way as disclosed in the current invention. In Baldwin, none of this is disclosed, all that is disclosed is that the received data is decompressed and the cells populated as far as possible with respect to the data which has been received but there is no disclosure in Baldwin to teach or suggest that the data could or should be transmitted in the form now defined in the claims of the current application.

Neither Baldwin nor Coleman teaches the problem or solution of the present invention, and the combination of Baldwin and Coleman would not have suggested the present invention to a person of ordinary skill. A skilled person considering the combined teachings of Baldwin and Coleman would not have found the present invention obvious, because there is no

indication in either reference of the problem being solved by the present invention or of the solution.

For at least these reasons, the rejection of claims 1-5, 7, 8, 10, and 11 for obviousness over Baldwin in view of Coleman is improper and should be withdrawn.

This submission is accompanied by a petition for three-month extension of time and RCE. All fees associated therewith should be charged to deposit account 14-1138. Any overpayment/underpayment should be credited/charged to this same account.

In view of all the foregoing, it is submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: July 29, 2011

/Joseph M. Noto/  
Joseph M. Noto  
Registration No. 32,163

Nixon Peabody LLP  
1100 Clinton Square  
Rochester, New York 14604  
Telephone: (585) 263-1601  
Facsimile: (585) 263-1600